



031

BEFORE THE BOARD OF DIRECTORS
OF THE
BOISE WARM SPRINGS WATER DISTRICT
OF ADA COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION OF CERTAIN)	
PROPERTY IN THE BOISE WARM SPRINGS WATER)	ORDER OF
DISTRICT OF ADA COUNTY, IDAHO, owned by)	INCLUSION AND
Chris and Michael Atwood)	ANNEXATION
Organized under the laws of the State of Idaho	

THIS MATTER came to be heard before the Board of Directors of the Boise Warm Springs Water District at a regularly called and convened meeting the 16th day of January 2013, upon a Petition for Annexation (inclusion) of property to the Boise Warm Springs Water District filed and presented by Chris and Michael Atwood organized under the laws of the State of Idaho, Petitioners and Owners of said property, a copy of which Petition marked Exhibit "A" is attached herein and made a part hereof by reference and attachment, and to a Notice of Hearing, said Petition for Annexation at this time and place published in The Idaho Statesman, a newspaper published in Boise, Idaho, and of general circulation in the District, on the dates of January 23 2013, January 31 2013 and February 5 2013, the proof of which more fully appears in the Affidavit of Publication marked Exhibit "B" being attached hereto and incorporated herein and made a part hereof by incorporation and attachment. No person appeared to protest or object to the annexation (inclusion) of the property owned by the Petitioners.

Upon examining the Petition of Annexation (inclusion) of Property, hearing and examining the Petitioners and examining all proof (documentary and oral) submitted to the Board's consideration, the Board found and concluded that (i) the said Petition of Annexation (inclusion) of Property was in substantial compliance with law and executed by the Petitioners and acknowledged in the manner required by law; (ii) it would be in the best interest of the District and the Property affected to annex and include the property of the Petitioners, subject to all conditions enumerated in the said Petition and as hereinafter specified; (iii) the Notice of Hearing of said Petition was given in the manner required by law; and (iv) there is not good cause to deny the Petition for Annexation.

RECEIVED

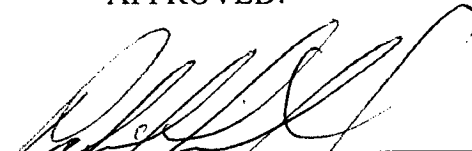
MAR 27 2013

TECHNICAL SUPPORT


NOW, THEREFORE, it is ORDERED that it would be in the best interest of the Boise Warm Springs Water District of Ada County, Idaho, that the property particularly and specifically described by Exhibit "A", attached hereto and incorporated herein by attachment, be, and the same hereby is, annexed and included within the boundaries of the Boise Warm Springs Water District, subject to all of the (i) limitations and obligations imposed by Sections 42-3218 and 42-3220, Idaho Code; (ii) all conditions enumerated and specified in the Petition for Annexation marked Exhibit "A", incorporated herein and made a part hereof by attachment; and (iii) subject to all conditions specified in the motion for annexation as passed at the Board meeting of January 16 2013.

ADOPTED AND APPROVED by the Board of Directors of the Boise Warm Springs Water District of Ada County, Idaho this 13th day of February 2013.

APPROVED:


Patrick Frischmath, Chairman

ATTEST:


Brenda Hines, Secretary

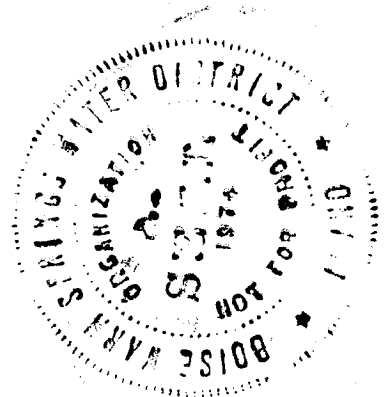


EXHIBIT "A"

BEFORE THE
BOARD OF DIRECTORS OF THE
BOISE WARM SPRINGS WATER DISTRICT

IN THE MATTER OF THE ANNEXATION)	PETITION
OF PROPERTY TO THE)	TO
BOISE WARM SPRINGS WATER DISTRICT,)	ANNEX
a political subdivision of the STATE OF IDAHO.)	No.2013-01

THE UNDERSIGNED PROPERTY OWNERS: Michael Atwood and Chris Atwood

Account No. 0580NA
Tax Parcel No. R1798500087
Legal Description: LOTS 17 TO 20 INC BLOCK 1 DE LAMAR ADD
Property Address: 1252 E. WARM SPRINGS AVE.
 BOISE, IDAHO 83712

Do hereby petition the Board of Directors of the Boise Warm Springs Water District (hereinafter "District") to annex to, and include within, the boundaries of the District the following described real property, together with (1) all improvements and appurtenances appertaining thereto and (2) all public streets, roads and alleys, abutting, adjoining and touching the hereinafter described property:

LOT 17 TO 20 INC DE LAMAR ADD ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 1 OF PLATS AT PAGE 24 RECORDS OF ADA COUNTY, IDAHO LOCATED IN SECTION 11 TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE BOISE MERIDIAN

In support of this Petition to Annex, the Petitioners covenant and agree as follows:

(1) That the undersigned are the lawful owners of record of the above described real property (or are the purchasers by an unrecorded contract of sale with the authority to petition for annexation).

(2) That the undersigned have paid, at the time of filing this petition with the District, the Annexation Fee of \$ (WAIVED) fixed and established by the pertinent Resolution of the District, the receipt of which is hereby acknowledged. It is further acknowledged that, upon inclusion (annexation), a fee of ~~\$350~~ will be charged to cover the costs incurred in the administrative process of annexing the above described property.

(3) That the undersigned have contracted, at their cost and expense, a main line and a service line from a building or structure to the District's water line, together with all the necessary appurtenances and machinery, in a manner and at the place designated and directed by the District, and in accordance with the plans, specifications and drawings approved by the District, its officers, agents and employees.

(4) That the undersigned hereby assign, transfer and set over to the District all rights, title, and interest in and to that portion of the main line and service line extending from the Petitioner's property line to the District's water line together with all necessary appurtenances and machinery thereto.

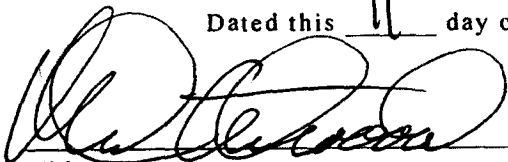
(5) The above described property is improved. It is now being used as:


A VACANT LOT

(6) It is understood by the undersigned that this petition is made pursuant to Section 42-3218, Idaho Code, as amended, and that the setting of a time and place for hearing of said petition and publication of notice of said hearing pursuant to law does not construe acceptance of said petition by the District. Pursuant to the aforesaid statute, the Board of Directors may impose such terms and conditions under which said property may be included within the District as the Board sees fit, said conditions, however, to be announced prior to the hearing. After said announcement, petitioners may have the right to withdraw said petition, but shall have the right to reimbursement of the annexation fee or additional charges as above set forth.

WHEREFORE, your petitioners pray that the said Board of Directors of the Boise Warm Springs Water District accept this Petition and set a time for the hearing and publish notice thereof in accordance with law, and upon hearing, order the inclusion of the above described property within the boundaries of the Boise Warm Springs Water District in accordance with the terms of this Petition.

Dated this 11 day of JANUARY, 2012³.


Michael Atwood


Chris Atwood

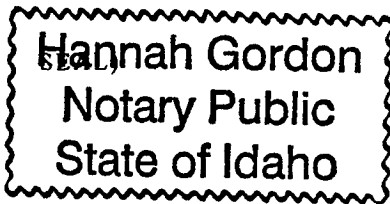
STATE OF IDAHO)

) SS.

COUNTY OF ADA

On this 11 day of January, 2013, before me a Notary Public in and for the State of Idaho, personally appeared
known to me to be the persons whose names are subscribed to the within instrument,
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in the certificate first above written.



A handwritten signature in cursive script, appearing to read "Hannah Gordon", written over a horizontal line.

Notary Public for Idaho

Residing at Boise, ID

My Commission expires: 10/22/2013

24

T7

01

13	14	15	16	17	18	19	20	21	22	23	24	25
----	----	----	----	----	----	----	----	----	----	----	----	----

10

BANNOCK

80

ST.

80

Brush

11	10	9	8	7	6	5	4	3	2	1	12
----	----	---	---	---	---	---	---	---	---	---	----

Brush

14	15	16	17	18	19	20	21	22	23	24	25
----	----	----	----	----	----	----	----	----	----	----	----

ARM SPRINGS

1159.314
346.5

AV

EXHIBIT "B"

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cots	Lines
118884	0000630138	LEGAL NOTICE	Atwood	\$148.76	1	60

Attention: Del Eytchison

BOISE WARM SPRINGS WATER DIST

2440 OLD PENITENTIARY RD

BOISE ID 83712

LEGAL NOTICE NOTICE OF HEARING PETITION FOR ANNEXATION OF PROPERTY

NOTICE IS HEREBY GIVEN that the petition of the owners of the real property named and described below for annexation to and the inclusion of certain real property described below to and within the boundaries of the Boise Warm Springs Water District to conditions imposed for annexation and inclusion will be heard by the Board of Directors of the Boise Warm Springs Water District on the 16th day of January, 2013 at 7:00 P.M., Prevailing Time, at the office of said Water District, 2440 Old Penitentiary Road, Boise, Idaho 83712.

The name and address of the petitioners/property owners and the real property to be annexed and included are listed and described as follows:

Michael and Christ Atwood

1252 East Warm Springs Ave.

Boise, Idaho 83712

Annexation No. 2013-01

Tax Parcel No. R1798500087

NOTICE is further given that all improvements and appurtenances belonging to the real properties listed/described above, including all roads, streets, alleys and rights-of-way, of record or not of record, adjacent to the above listed or described real properties, are also petitioned to be annexed and included.

All persons interested in such matters and such petitions are hereby notified to appear at the office of the Board of Directors of the Boise Warm Springs Water District at the time and place herein described and scheduled above and at said hearing show cause, in writing, if any they have, why any one or more of said petitions should not be granted.

Dated this 18th day of January, 2013.

BOISE WARM SPRINGS WATER DISTRICT

Del Eytchison, Manager

Pub Jan 23, 31, Feb. 5 2013

0000630138-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

3 Insertions

Beginning issue of: 01/23/2013

Ending issue of: 02/05/2013

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

..SS

COUNTY OF ADA)

On this 5 day of February in the year of 2013 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harkadine

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014





BOISE WARM SPRINGS WATER DISTRICT
2440 Old Penitentiary Road
Boise, Idaho 83712

P. Frischmuth, Chairman
M. Aucutt, Board Member
M. Baughman, Board Member

E. Kreipl, Vice Chairman
R. Sutter, Board Member
J. McCollum, Treasurer

RESOLUTION NO. 2013-01

BY THE BOARD OF DIRECTORS: FRISCHMUTH, KREIPL, AUCUTT, BAUGHMAN

A RESOLUTION INCLUDING (ANNEXING) CERTAIN PROPERTY WITHIN THE BOUNDARY OF THE BOISE WARM SPRINGS WATER DISTRICT OF ADA COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to provision of Section 42-3218, Idaho Code, the boundaries of any water district may be changed upon application for inclusion of property by the owners paying fees thereof, meeting conditions imposed and after due and lawful notice of a public hearing upon said application; and

WHEREAS, a Petition for Annexation (inclusion) of property to the Boise Warm Springs Water District of Ada County, Idaho, was filed and presented by Michael Atwood and Chris Atwood 1252 East Warm Spring Ave Boise Idaho 83712 and

WHEREAS, at a regularly and duly called and convened meeting held January 16th 2013, the Board of Directors of said district approved and granted Petition of Annexation (inclusion), subject to all conditions specified in said Petition and subject to the limitations and obligations imposed by Sections 42-3218 and 42-3220, Idaho Code, the Board specifically finding that: (i) the Petition for Annexation (inclusion) was in substantial compliance with law and executed and acknowledged by the true and lawful property owners in the manner and form by law; (ii) it would be in the best interest of the District and the properties affected to annex and include the property of the Petitioners; and (iii) notice of this hearing was given in the manner required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOISE WARM SPRINGS WATER DISTRICT OF ADA COUNTY, IDAHO,

Section 1. That the Petition for Annexation (inclusion) to the Boise Warm Springs Water District submitted by the owners, a copy of which is marked Exhibit "A" being attached hereto and incorporated herein by attachment and reference, be, and the same hereby is, approved and granted, and that from and after an Order of Inclusion by the Boise Warm Springs Water District, the property described in said Petition be, and the same shall be

annexed and included within the boundaries of the Boise Warm Springs Water District, subject to all conditions enumerated and obligations imposed by Sections 42-3218 and 42-3220, Idaho Code.


Section 2. That the Chairman of the Board of Directors and the Secretary be, and that they hereby are, directed to execute and attest an order in the substantial form and content of a proposed Order marked Exhibit "B", being attached hereto and incorporated herein by attachment and reference, to be filed with the Clerk of the District Court for Annexation (inclusion) of the property described in the aforesaid petition.

Section 3. That this Resolution shall be in full force and effect from and after its adoption and approval hereof.

ADOPTED by the Board of Directors of the Boise Warm Springs Water District of Ada County, Idaho, whose signature is attested to by the Secretary under the seal of said District as directed by the Board of Directors of said District pursuant to a motion duly made, seconded and carried at a regular meeting held on the 13th day of February, 2013.

EXECUTED:

By


Patrick Frischmuth, Chairman

ATTEST:


Brenda Hines, Secretary

